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REMARKS

In response to the Final Office Action mailed on December 18, 2007, Applicants respectfully requests reconsideration. Claims 1, 5- 16, 20-31 and 35-37 are now pending in this Application. Claims 1, 16 and 31 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 1, 16 and 31 have been amended and claims 2, 17 and 32 have been cancelled and claims 35-37 have been added. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Claims 1-2, 5-17 and 20-32 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent Publication No. 2002/0006186 to Sanders (hereinafter Sanders) in view of U.S. Patent No. 5,572,570 to Kuenzig (hereinafter Keunzig). Applicants respectfully disagree with these contentions and assert that the present claimed invention is not anticipated by any disclosure in the Sanders reference.

The Examiner stated that Sanders and Keunzig teach the same. Applicants respectfully disagree. A careful review of Sanders at paragraph 53 reveals that Sanders teaches that bulk calling (load testing) is insufficient and therefore that functional test is necessary. Thus, Sanders teaches that two distinct tests are required (a load test and a functional test), and therefore Sanders teaches away from a test script that can be used for both load testing and functional testing, as well as monitoring testing. Sanders teaches away from the claimed invention, and teaching away is the antithesis of suggesting the art teaches the same, which is a pre re demonstration of a lack of prima facie obviousness. Keunzig also fails to disclose or suggest wherein a test script is used for providing load testing, functional testing and monitoring testing.

In contrast to Sanders and Keunzig, claim 1 has been amended to include the limitations of claim 2, and claim 2 has been cancelled without prejudice. Amended claim 1 now recites that the test script is used to provide all of a

functional test, a load test and a monitoring test. Thus, the test script saves time and development cost by being configured such that the same test script is used to provide as all three types of tests. Since neither Sanders nor Keunzig, taken alone or in combination, disclose or suggest a test script used for load testing, functional testing and monitoring testing, claim 1 is believed allowable. Claims 16 and 31 have been amended in a similar manner as claim 1 and are believed allowable for at least the same reasons as claim 1. Claims 17 and 32 have been cancelled without prejudice as has claim 2. Claims 5-15 and 20-30 depend from claims 1 or 16 and are believed allowable as they depend from a base claim which is believed allowable.

Claims 35-37 have been added. Support for these claims can be found throughout the specification, for example, at page 21, line 7-11. Applicants submit that no new matter has been added, and that the prior art of record fails to disclose or suggest the subject matter of the added claims.

In view of the above, the Examiners' rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/DWR/

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Attorney Docket No.: EMP04-79

Dated: April 18, 2008